



One Broadway  
New York, NY 10004-1007  
212.425.7200  
Fax 212.425.5288

### Fax Transmission

RECEIVED  
CENTRAL FAX CENTER

MAY 07 2007

From: **Richard L. Mayer** Date: **May 7, 2007**  
 Direct Dial: **212.908.6101** Fax: **212.425.5288**  
 Client/Matter: **10191/2328** Total number of pages: **3**  
 (including cover)

*Please deliver to:*

Name	Company	Fax	Phone
	<b>PTO</b>	<b>571-273-8300</b>	

**Message:**

U.S. Application Serial No 10/089,395

As per telephone conversation with Ex. Lisa Young of today, I am attaching a copy of the Notice of Appeal/Ext of Time and proof of mailing.

Karin Kuhnla (sec to Richard L. Mayer)

Original will not follow  Original will follow by  Regular Mail  Overnight Delivery  Hand Delivery

---

The information contained in this facsimile transmission, including any attachments, is subject to the attorney-client privilege, the attorney work product privilege or is confidential information intended only for the use of the named recipient. If the reader of this Notice is not the intended recipient or the employee or agent responsible for delivering this transmission to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone, so that we may arrange for its return or destruction at our cost. Thank you.

New York Washington, DC Silicon Valley [www.kenyon.com](http://www.kenyon.com)

Case No. 10191/2328  
Ser. No. 101089395

P2673USW  
Atty. game  
Due Date 2/22/07

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:

- Application
- Amendment
- Assignment
- Notice of Appeal
- Prior Art Statement
- Appeal Brief

- Extension Request
- Priority Document
- Issue Fee
- Declaration
- Small Entity
- Dep. acc't 110600



[10191/2328]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Frank KOWALEWSKI  
 Serial No. : 10/089,395  
 Filed : July 17, 2002  
 For : DATA TRANSMISSION METHOD  
 Examiner : Anh-Vu H. LY  
 Art Unit : 2616  
 Confirmation No. : 5213  
 Mail Stop: AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

**RECEIVED**  
**CENTRAL FAX CENTER**

MAY 07 2007

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 2/20/07  
 Signature: Georgina Galan  
Georgina Galan

**NOTICE OF APPEAL AND REQUEST FOR EXTENSION OF TIME**  
**PURSUANT TO 37 C.F.R. §1.136(a)**

Applicant hereby appeals the Examiner's decision made in the Final Office Action dated August 22, 2006, finally rejecting claims 9-16. Applicant also respectfully requests a three-month extension of time in which to file the Notice of Appeal from the final Office Action of August 22, 2006, for which a response period was set to expire on November 22, 2006. The three-month extended period for response expires on February 22, 2007.

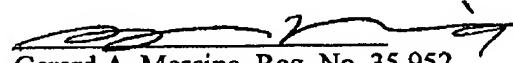
Applicant previously petitioned for a one-month extension of time and authorized payment of the associated fee with the filing of the Amendment dated December 22, 2006. Therefore, the fee for obtaining the three-month extension of time is believed to be \$900.00 (\$1,020 less \$120 already paid).

The Commissioner is hereby authorized to charge the payment of the 37 C.F.R. § 41.20(b)(1) Notice of Appeal fee of \$500.00, and to charge payment of the 37 C.F.R. § 1.136 (a) extension of time fee of \$900.00 to **KENYON & KENYON LLP**, Deposit Account No. 11-0600. Any additional fees deemed necessary should also be charged to Deposit Account No. 11-0600. An additional copy of this Notice is enclosed for that purpose.

Respectfully submitted,  
**KENYON & KENYON LLP**

Dated: February 22, 2007

By:

  
 Gerard A. Messina, Reg. No. 35,952  
 One Broadway  
 New York, New York 10004  
 (212) 425-7200  
 CUSTOMER NO. 26646

NY01 1315955 v1

PAGE 3/3 \* RCVD AT 5/7/2007 3:10:03 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/19 \* DNI:2738300 \* CSID: \* DURATION (mm:ss):01-20

TOTAL P.03